

Library of Congress Flexible Workplace and Leave Guidelines

Leave Types Available During the COVID-19 Pandemic as of August 25, 2020

The following table describes the leave types available to employees during the COVID-19 pandemic and a selection of common situations that may occur. The table is not intended to supplant the Library's Collective Bargaining Agreements or regulations. Because these situations can be very fact-specific, supervisors are encouraged to consult with the relevant Collective Bargaining Agreement articles, regulations, and the Human Capital Directorate [via AskHCD](#).

If	The Employee Should:	Leave Options May Include:
An employee is diagnosed with COVID-19	Coordinate with the supervisor, inform the Health Services Division, request leave or telework, if telework-capable and well enough to do so, including working outside of core hours, and continue medical treatment	<ul style="list-style-type: none"> • FFCRA-authorized sick leave • Sick leave • Annual leave • Credit hours/Compensatory time • Time off awards • Advanced sick leave • Advanced annual leave • FMLA • Donated leave through the Leave Bank or Leave Transfer program • Leave without pay (LWOP)
An employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis	Coordinate with the supervisor, request leave and continue medical treatment	<ul style="list-style-type: none"> • FFCRA-authorized sick leave • Sick leave • Annual leave • Credit hours/Compensatory time • Time off awards • Advanced sick leave • Advanced annual leave • FMLA • Donated leave through the Leave Bank or Leave Transfer program • LWOP
An employee is subject to a quarantine or isolation order under the direction of public health authorities due to a significant risk of exposure to COVID-19	Coordinate with the supervisor, request leave or telework, if telework-capable and well enough to do so, including working outside of core hours	<ul style="list-style-type: none"> • FFCRA-authorized sick leave • Telework, if telework-capable • Sick leave • Annual leave • Credit hours/Compensatory time • Time off awards • Advanced sick leave • Advanced annual leave • Donated leave through the Leave Bank or Leave Transfer program

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<p>An employee is caring for an individual subject to a quarantine or isolation order under the direction of public health authorities due to a significant risk of exposure to COVID-19</p>	<p>Coordinate with the supervisor and request leave or telework, if telework-capable, including working outside of core hours</p>	<ul style="list-style-type: none"> • LWOP • FFCRA-authorized sick leave • Telework, if telework-capable • Sick leave • Annual leave • Credit hours/Compensatory time • Time off awards • Advanced sick leave • Advanced annual leave • FMLA (if individual meets the definition of family member under FMLA) • Donated leave through the Leave Bank or Leave Transfer program • LWOP
<p>An employee is caring for his or her child whose school or place of care is physically closed (or child care provider is unavailable)</p>	<p>Coordinate with the supervisor and request leave or telework, if telework-capable, including working outside of core hours</p>	<ul style="list-style-type: none"> • Admin leave under SA 20-12 • FFCRA-authorized sick leave • 'Public health emergency' Family Medical Leave Act (FMLA) • Telework, if telework-capable • Annual leave • Credit hours/Compensatory time • Time off awards • Advanced annual leave • LWOP
<p>An employee is caring for his or her adult family member because, due to the COVID-19, the individual's regular caregiver is absent or regular care facility is not available to them.</p>	<p>Coordinate with the supervisor and request leave or telework, if telework-capable, including working outside of core hours</p>	<ul style="list-style-type: none"> • Admin leave under SA 20-12 • Admin leave under SA 20-11 • FFCRA-authorized sick leave • 'Public health emergency' Family Medical Leave Act (FMLA) (if caring for an adult child who is incapable of self-care because of a mental or physical disability) • Telework, if telework-capable • Annual leave • Credit hours/Compensatory time • Time off awards • Advanced annual leave • FMLA • LWOP

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A dependent/family member is diagnosed with COVID-19 and requires care from the employee	Coordinate with the supervisor and request leave or telework, if telework-capable, including working outside of core hours	<ul style="list-style-type: none"> • FFCRA-authorized sick leave • Telework, if telework-capable • Sick leave • Annual leave • Credit hours/Compensatory time • Time off awards • Advanced sick leave • Advanced annual leave • FMLA • Donated leave through the Leave Bank or Leave Transfer program • LWOP
An employee is sick with COVID-19, and has exhausted their available paid leave and accrued leave options	Discuss the situation with the supervisor as soon as possible	<ul style="list-style-type: none"> • Advanced sick leave (HCD approval required; see here for additional details) • Donated leave through the Leave Bank or Leave Transfer program • FMLA • LWOP
An employee has not been contacted to return to work on-site	Continue to communicate with the supervisor and maintain flexibility, in case the need to return to work on-site changes	<ul style="list-style-type: none"> • Telework, if applicable • Administrative leave, if not telework-capable

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This table is a summary of leave types available and it is not intended to supplant the Library's Collective Bargaining Agreements or regulations. Supervisors are encouraged to consult with the relevant Collective Bargaining Agreement articles and regulations for more information. For additional information on the duration of the types of leave available, see the "Notes about Use" sections below.

Leave Type	Authorization	Summary of Relevant Situations	Notes about Use	Pay rate	More Information
Leave Without Pay (LWOP)	LCR 9-1010	Can be used if an employee wants to preserve his/her accrued leave balance.	<ul style="list-style-type: none"> Requires supervisory approval and coordination. <ul style="list-style-type: none"> Requests of less than 30 days can be approved by division chiefs; greater than 30 days requires Chief Human Capital Officer approval. Must be a reasonable expectation that the employee will return to the Library afterwards. Extended LWOP can have repercussions on an employee's WIGI date, health insurance premiums, leave accrual, etc.; contact HCD with questions. 	Non-paid	WebTA code: <i>LWOP (Leave Without Pay)</i>
Employee's own accrued or earned leave (i.e., sick, annual, credit hours, comp time, comp time off for travel) or leave received via the Leave Bank or Leave Transfer programs	LCR 9-1010	Can be used at employee's request for a non-COVID-related situation (e.g., feeling sick, having a doctor's appointment, or needing to attend a family member's medical, dental or optical appointment or treatment, etc.). Can also be taken for COVID-related situations (e.g., having or recovering from COVID, etc.) if other leave options are exhausted or not	<ul style="list-style-type: none"> Requires supervisory approval. Annual leave, sick leave, and comp time can be used the pay period after they are accrued. Credit hours can be used the pay period in which they are earned. During COVID, however, some employees are not eligible to earn credit hours. See HCD's FAQ for additional information. Advanced annual leave can be approved for up to the amount an employee will accrue for the remaining portion of the leave year. This leave is at management discretion and is not an employee entitlement. Up to 240 hours of sick leave can be advanced only after HSD review of medical provider-submitted medical 	Employee's full rate of pay	WebTA code: <i>varies</i>

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		desired. Sick leave cannot be used to provide caretaking responsibilities for someone who is not actually sick.	<p>documentation and HCD approval; contact HCD with questions about this process.</p> <ul style="list-style-type: none"> Up to 104 hours (13 days) of sick leave each may be used each leave year to provide general medical care to family members. This can include leave for bereavement. <ul style="list-style-type: none"> If you have already used any portion of the 13 days of sick leave for general medical care of family members, and later invoke FMLA, that portion must be subtracted from the 12 weeks. Consult CBAs for different policies in place for bargaining unit employees. 		
Admin leave for employees who cannot telework or who are in a higher risk category	SA 20-04	For employees who cannot telework (because their jobs are not amenable to telework) or who are in a higher risk category (and unable to telework and not able to report into the building).	<ul style="list-style-type: none"> Not for childcare/caregiving. Requires supervisory approval and coordination. This leave type is a temporary measure. 	Employee's full rate of pay	WebTA code: Under Leave Time: <i>Admin/Excused Absence</i>
Admin leave for caregiving during COVID-19	SA 20-12	For employees who are caregiving for <ul style="list-style-type: none"> a dependent child whose school is physically closed, or regular child care facility or caregiver is not available; or a spouse or other adult family member whose regular care 	<ul style="list-style-type: none"> Up to 20 hours per pay period may be used from August 24 to September 30, 2020. Requires supervisory coordination. 	Employee's full rate of pay	WebTA code: Under Leave Time: <i>Admin Leave for Caregivers During COVID-19 (SA 20-12)</i>

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		facility or caregiver is not available			
FFCRA-authorized sick leave	SA 20-10	<p>Total of up to 80 hours of additional sick leave for either or both categories:</p> <ul style="list-style-type: none"> Category 1: employees who cannot work or telework because they are experiencing COVID symptoms, are quarantined as a result of COVID-19, or Category 2: employees who are caring for a child (including adult children with physical or intellectual disabilities) whose school/daycare is unavailable to them due to COVID, or caring for someone subject to quarantine. <p>This leave does not supplant the right to public health emergency FMLA or admin leave for adult caregiving.</p>	<ul style="list-style-type: none"> Employees should coordinate with their supervisors prior to taking this leave. Regulations require the name of the health care provider, which can be documented in the comments field of WebTA. Regulations require the name of the school, place of care, or child care provider that closed or became unavailable due to COVID-19 reasons; a statement representing that no other suitable person is available to care for the child during the period of requested leave is also required. <ul style="list-style-type: none"> This can be entered in the comments section on WebTA. All employees with COVID-related illness and caregiving duties are eligible for this type of leave, regardless of how long they have worked at the Library. Can be taken all at once or in different amounts per pay period, until the total limit (80 hours total) is reached. <ul style="list-style-type: none"> However, employees who report to a worksite are prohibited from taking paid sick leave intermittently unless the leave is being taken to provide childcare for a child whose school/daycare is unavailable to them. Given the high risk of spreading the virus, employees who need to take FFCRA for health-related reasons (for themselves or others) have to take this leave each day until 	Employee's full rate of pay	<p>WebTA code:</p> <ul style="list-style-type: none"> Self: Under Work Time: <i>Sick Leave for COVID-19/Self (SA 20-10)</i> Caregiving: Under Work Time: <i>Sick Leave for COVID-19/Caregiver (SA 20-10)</i> <p>Consult your timekeeper with questions.</p>

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			<p>the employee uses the full amount or no longer has a qualifying reason for the leave. See Department of Labor Regulations and FAQs #20 and 21 for more information.</p> <ul style="list-style-type: none"> • Employees can take less than 80 hours, if more is not needed. • Employees do not need to exhaust their own leave balances first. • In effect until December 31, 2020. 		
'Standard' Family Medical Leave Act (FMLA)	LCR 9-1020	Appropriate to use for specified family reasons (such as recovering from childbirth, adoption of a child, etc.) or a "serious health condition."	<ul style="list-style-type: none"> • Requires supervisory notification and coordination. • Requires medical documentation submitted to the Health Services Division. • Employees are eligible if they have 12 months of creditable Library service by the start date of FMLA. • Employees can use up to 12 weeks of unpaid leave for a qualifying situation. Under Library regulations, employees may substitute their accrued leave for their FMLA leave, so that their FMLA time is paid. <ul style="list-style-type: none"> ◦ Up to 26 weeks is available to care for a covered service member. • Not in addition to 'public health emergency' FMLA; annual limit for all FMLA is 12 weeks. 	Employee's full rate of pay if accrued leave is used; otherwise, FMLA is unpaid.	WebTA code: <i>varies</i> ; consult your timekeeper with questions
'Public health emergency' Family Medical Leave Act (FMLA)	SA 20-10	Appropriate to use if caring for a child (including adult children with physical or intellectual disabilities) whose school/childcare is closed due to COVID.	<ul style="list-style-type: none"> • Employees should coordinate with their supervisors prior to taking this leave. • Regulations require the name of the school, place of care, or child care provider that closed or became unavailable due to COVID-19 reasons; 	<ul style="list-style-type: none"> • Leave for the first two weeks is unpaid, unless the employee 	WebTA code: <ul style="list-style-type: none"> • First 2 weeks: Under Leave Time:

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		(No health condition is required.)	<p>a statement representing that no other suitable person is available to care for the child during the period of requested leave is also required.</p> <ul style="list-style-type: none"> ○ This can be entered in the remarks sections of the leave request and timesheet in WebTA. • Employees are eligible if they have been employed by the Library for 30 calendar days. • Employees can use up to 12 weeks of FMLA for a qualifying situation. Under FFCRA, the first two weeks are unpaid (though employees may substitute their earned/accrued paid leave) and for the remaining ten weeks, employees are paid at a 2/3 rate. See “pay rate” column at right for additional details. • Can be taken all at once or in different amounts per pay period, until the total limit is reached. • Is not in addition to ‘standard’ FMLA; annual limit for all FMLA is 12 weeks. • In effect until December 31, 2020. 	<p>chooses to use accrued leave or paid FFCRA-authorized sick leave.</p> <ul style="list-style-type: none"> • Leave during the remaining 10 weeks, however, is paid at two-thirds of the employee’s rate of pay and is capped at \$200 per day or \$10,000 for the duration. 	<p>varies; note invocation of Public Health Emergency FMLA in “remarks” sections of both leave request and timecard.</p> <ul style="list-style-type: none"> • Last 10 weeks: Under Work Time: Public Health Emergency FMLA at 2/3rd Rate for COVID-19 (SA 20-10) ; note invocation of Public Health Emergency FMLA in “remarks” sections of both leave request and timecard. <p>Contact your timekeeper with questions.</p>

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Paid admin leave for adult caregiving duties	SA 20-11	<p>Up to 80 hours of excused absence (admin leave) to care for a spouse or other adult family member because, due to the COVID-19, the individual's regular caregiver is absent or regular care facility is not available to them.</p> <p>This leave does not supplant the sick leave for caregiving duties.</p>	<ul style="list-style-type: none"> • Employees should coordinate with their supervisors prior to taking this leave. • Medical documentation is not required. • All employees with caregiving duties are eligible for this type of leave, regardless of how long they have worked at the Library. • Can be taken all at once or in different amounts per pay period, until the total limit (80 hours total for both this leave and sick leave for caregiving combined) is reached. • Employees can take less than 80 hours, if more is not needed. • Employees do not need to exhaust their own leave balances first. • In effect until December 31, 2020. 	<ul style="list-style-type: none"> • Employee's full rate of pay 	WebTA code: Under Leave Time: <i>Admin Leave for COVID-19/Care for Adults (SA 20-11)</i>